

## **REMARKS**

### **I. Status of Claims:**

Claims 1, 4, 5, 8-15, 17, 18, 20, 23-25 and 28 were pending in the application prior to this submission. All of the pending claims were rejected by the Examiner in the previous Final Office Action.

Claims 1, 5-6, 14, 17, 24-25 and 28 have been amended herein. In addition, claims 4, 8, 20 and 23 have been canceled herein without prejudice or disclaimer. No new matter has been introduced, and thus, entry and consideration are respectfully requested.

### **II. Response to Rejections Under 35 U.S.C. §103:**

Claims 1, 4, 5, 8-15, 17, 18, 20, 23-25 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Windows Task Manager, Copyright 1981-2001 MS Corp (hereafter, "Task") in view of NeXT Step 3.3 Copyright 1995 by NeXT Computer, Inc. (hereafter, "Next") in further view of Sciammarella et al. (US 7,051,291, hereafter, "Sciammarella") and in further view of Onodera (US 6,710,707, hereafter "Onodera"). Claims 5 and 24 also stand rejected as being unpatentable over Task, Next, Sciammarella and Onodera in view of Gillespie et al. (US 2002/0191029, hereafter "Gillespie"). Claims 11 and 12 also stand rejected as being unpatentable over Task, Next, Sciammarella and Onodera in view of Shields et al. (US 5,910,802, hereafter "Shields"). In particular, the Examiner alleges that each and every limitation of the above-identified claims are obvious in view of the combined teachings of one or more of the Task, Next, Sciammarella, Onodera, Gillespie and Shields references.

Reconsideration of the present application is respectfully requested in view of the claim amendments and remarks presented herein. For example, amended claim 1 now recites:

1. (Currently Amended) A device, comprising:
  - a processor; and
  - at least one memory including executable instructions, the at least one memory and the executable instructions being configured to, in cooperation with the at least one processor, cause the device to perform at least the following:
    - receive a request for access to a menu from a user;
    - compile the requested menu, said menu including a list of menu options associated with currently active applications and inactive applications;

determine whether each application associated with a menu option is currently active;

add a flag to each menu option associated with a currently active application;

display the list of menu options, wherein each of the menu options without flags is displayed with a first icon identifying the associated application and each of the menu options with flags is displayed with a second icon comprising the first icon and further including an indicator displayed adjacent to the first icon representing that the associated application is currently active; and

provide access to an application associated with the selected menu option, whether said application is active or inactive when selected.

Support for the amendments to claim 1 may be found in FIG. 5-7, as originally filed, taken in conjunction with various sections of the disclosure that discuss the use of different icons accompanied with animation, color and/or sound to identify the status of a corresponding application, such as page 5, third paragraph and page 8, third paragraph. With this amendment applicants are attempting to further clarify the claimed invention wherein a list of menu options is displayed for a user such as in FIG. 5 and 6. If the application associated with a menu option is inactive, then the menu option is displayed with an icon identifying the associated application as in Internet icon 26c in FIG. 5. Otherwise, if the application associated with a menu option is currently active (e.g., running in the background), then a second icon is displayed comprising the first icon and an indicator displayed adjacent to the first icon representing that the associated application is currently active, such as in items 25b and 26b of FIG. 5 wherein a call divert icon 25b is displayed along with an indicator 26b representing that the call divert application is active.

Applicants respectfully assert that amended claim 1 is distinguishable from the cited references, taken alone or in combination. In Task, all of the applications associated with the icons being displayed in the task manager are running (e.g., FIG. 3), so there would be no motivation to display an indicator adjacent to an icon indicating that an associated application is currently active as required in amended claim 1. In Next, a version of an icon that is identifying an associated application may include ellipses indicating that an application is not running (e.g., see Next, page 5, figure and following disclosure), which is asserted to be distinguishable from an indicator being displayed adjacent to the first icon representing that the associated application is currently active as recited in amended claim 1. The Sciammarella reference is directed to focus and layout control aspects of a user interface for managing multimedia files, and does not

teach or suggest the various requirements recited in amended claim 1. The Onodera reference is directed to a physical interface device for facilitating user control of various systems within an automobile, and does not teach or suggest the various requirements recited in amended claim 1.

The Gillespie reference is directed to interfacing a touch-sensitive display with an operating system of a computer, and does not teach or suggest the various requirements recited in amended claim 1. The Shields reference is directed to an interface for a touch-sensitive screen in a mobile device, and does not teach or suggest the various requirements recited in amended claim 1.

In view of the above, Applicants respectfully assert that at least amended claim 1 is distinguishable from the cited references, taken alone or in combination. The other pending independent claims have been amended in a manner similar to claim 1, and are likewise asserted to be distinguishable. Other pending claims not specifically discussed above are distinguishable at least for depending from the pending independent claims. Therefore, Applicants respectfully request that the 35 U.S.C. §103(a) rejections to the pending claims now be withdrawn.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration, withdrawal of the claim objections/rejections and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 504827, Order No. 1004289-216US (4208-4252).

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 1004289-216US (4208-4252).

Respectfully submitted,  
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